

Civil Rights Compliance in the Child Nutrition Programs

Is your institution meeting civil rights compliance?

Read the following questions and answers to determine your knowledge and compliance performance.

What is Discrimination?

Discrimination is defined as different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions based on six protected classes in the Child Nutrition Programs: race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

How are citizens' rights protected?

The following laws have been passed designed to defend against discrimination:

Title VI of the Civil Rights Act of 1964 - Race, Color, National origin

Title IX of Education Amendments of 1972 - Sex

Section 504 of Rehab. Act of 1973 – Disability

Age Discrimination Act of 1975 - Age

Civil Rights Laws provide regulation that no person in the United States shall on the grounds of race, color, or national origin, sex or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

What do these laws require of organizations participating in child nutrition programs?

Civil Rights can be broken into five areas of focus for compliance. They include the following: public notification system, limited English proficiency, data collection, civil rights complaints, and assurances.

What is required for public notification?

- All institutions must display the “And Justice For All” nondiscrimination poster in a prominent place. This is usually the meal service area.
- All institutions must provide informational materials in the appropriate translation concerning the availability and nutritional benefits of the meal programs.

In addition, all program materials must contain the appropriate nondiscrimination statement and the procedure for filing a complaint. This includes:

- free and reduced price letters to parents
- application form, public release, and
- all other institution publications

What must be included in the nondiscrimination statement?

The nondiscrimination statement should include the categories plus information on reporting a complaint:

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

What if the item is too tiny to fit all nondiscrimination information on?

If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, “This institution is an equal opportunity provider.” This must be done in a font no smaller than the text.

Are there any additional requirements for providing public notification?

Institutions have two additional responsibilities. They must

- Make program information available to the public upon request, and
- Must notify the community/grassroots organizations of program benefits at a minimum through a public release.

What is required for in the limited English proficiency area?

Where a significant number or proportion of the population eligible to be served needs service or information in a language other than English in order to be informed of or to participate in the program, the recipient shall take reasonable steps to provide information in appropriate language to such persons. Factors to consider in addressing limited English proficiency include number of LEP individuals participating in the Program, frequency of contact with the Program, nature and importance of the Program and resources available.

What data must be collected and how must it be maintained?

- Institutions must have a system in place that collects racial/ethnic data
- Each institution agrees annually updated racial/ethnic data and maintain on file for three years and the year to which it pertains, and
- Data must be updated on an annual basis.

How do we collect that data?

Visual identification, personal knowledge may be used by the institution's official or voluntary self-identification by applicant on the free and reduced price meal application form.

What other assurances must the institution provide?

- Admission procedures must not restrict enrollment by minority persons;
- Denied free and reduced priced applications cannot be based on race, color, national origin, sex, age, or disability; and
- Institutions shall make reasonable accommodation to persons with disabilities unless the accommodation would pose undue hardship on the operation of its program or place of business.

How do we handle civil rights complaints?

Any person alleging discrimination based on race, color, national origin, sex, age, or disability has a right to file a complaint within 180 days of the alleged discriminatory action. Complaints can be written or verbal. Anonymous complaints should be handled as any other complaints.

Document complaints. All civil rights complaints, written or verbal, shall be accepted and forwarded to USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD).